

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS R. CRUZ,

Defendant.

8:03CR248

ORDER

Defendant Nicholas R. Cruz (Cruz) appeared before the court on March 5, 2012, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 45). Cruz was represented by Assistant Federal Public Defender Richard H. McWilliams and the United States was represented by Assistant U.S. Attorney Susan T. Lehr. Through his counsel, Cruz waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1).

The government moved for detention. Through counsel, Cruz requested a detention hearing. The hearing was scheduled for March 7, 2012. On March 6, 2012, Cruz filed a waiver of the detention hearing. Since it is Cruz's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Cruz has failed to carry his burden and that Cruz should be detained pending a dispositional hearing before Chief Judge Smith Camp.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:30 a.m. on March 22, 2012**. Defendant must be present in person.
2. Defendant Nicholas R. Cruz is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 7th day of March, 2012.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge